

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIT SUMMERS,

Plaintiff,

v.

OFFICER JONATHAN FREEMAN et al.,

Defendants.

CIVIL ACTION
NO. 13-2227

ORDER

AND NOW, this 6th day of December 2013, upon consideration of Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. No. 5), Plaintiff's Response (Doc. No. 6), the arguments of counsel at the August 1, 2013 hearing, the supplemental brief of Plaintiff (Doc. No. 10), and the supplemental brief of Defendant (Doc. No. 11), it is **ORDERED** that:

1. Counts I, III, IV, V, VII in the Complaint are **DISMISSED** by agreement of the parties at the August 1, 2013 hearing, which includes the Monnell claim alleged against the Borough of Trainer in Count IV.
2. Count II is **DISMISSED** on all claims, except for the malicious prosecution claim, by agreement of the parties at the August 1, 2013 hearing.
3. The Motion to Dismiss (Doc. No. 5) is **GRANTED** as to the remaining claims in Counts II (malicious prosecution under 42 U.S.C. § 1983) and in VI (malicious prosecution under 42 U.S.C. § 1983 and Pennsylvania law).
4. All pending Motions are **DENIED** as **MOOT**.

5. The Clerk of Court is directed to close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.